



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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Philadelphia, Pennsylvania 19103-2029

May 31, 2016

Ms. Cindy Bladey, Chief
Rules, Announcements, Directive Branch
Division of Administrative Services
Office of Administration
Mail Stop: OWFN-12-H08
US Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Final Environmental Impact Statement for the Combined License (COL) for the Bell Bend Nuclear Power Plant, Luzerne County, Pennsylvania (NUREG-2179) CEQ #20160090

Dear Ms. Bladey:

In accordance with Section 102(2) (c) of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2) (c), Section 309 of the Clean Air Act, 42 U.S.C. § 7609, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the United States Environmental Protection Agency (EPA), has reviewed the Final Environmental Impact Statement (EIS) for the above referenced projects and is providing the following comments.

The Final EIS was prepared in response to an application that was submitted to the US Nuclear Regulatory Commission (NRC) by Pennsylvania Power and Light (PPL) Bell Bend, LLC (now Talen Energy) for a combined construction permit and operating license (COL). Talen Energy has proposed to construct and operate a new nuclear power plant adjacent to the Susquehanna River in Salem Township, Luzerne County, Pennsylvania.

On July 7, 2015, the EPA provided comments on the proposed project's Draft EIS. EPA rated the proposed project as an EC-2 (Environmental Concern/Insufficient Information). This rating was reflective EPA's comments which included concerns regarding the assessment of Walker Run ecological flows, consumptive water for the power plant operations, assessment of Climate Change adaptations and the Environmental Justice analysis. While the Final EIS has provided responses to comments, EPA continues to have concerns regarding the proposed project. Those concerns are listed below.

1. EPA strongly suggests that the NRC consider the development of a Supplemental EIS to address the Susquehanna River Basin Commission's water allocation uncertainty and the



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potential related environmental impacts including consumptive, non-consumptive water and passby flow which have not been described in detail in the Final EIS. This information is critical in determination of the impact of the proposed project and viability of the proposal. As identification of water allocation may require adjustment of unrelated projects along the Susquehanna, disclosure of the projects involved and any impacts of the secondary work needs to be presented through the NEPA process. The public, local, state and Federal agencies should have the opportunity to review and comment on the proposal and analysis of water allocation. Any subsequent NEPA analysis (Environmental Assessment or EIS) should be available to the public and agencies with an adequate period for comment.

2. EPA recommends the NRC provide additional environmental documentation in the Supplemental EIS that describes the proposed reactor design and any associated environmental impacts not addressed in the Final EIS.
3. EPA has further concern with this project moving forward as a result of the US Army Corps of Engineers (Corps) action on the Clean Water Act (CWA) Section 404 application. It is our understanding that the permit application has been administratively withdrawn by the Corps due to deficiencies in critical information needed to determine the Least Environmentally Damaging Practicable Alternative. A decision cannot be made at this time until this information has been provided and evaluated. It is critical to address the consumptive use of water at the proposed plant operations and to fulfill safety purposes. This issue is relevant for the Section 404 permit and the NEPA analysis. As stated in the EPA comment letter on the Draft EIS: EPA sent letters to the Corps on March 22, 2012, and April 16, 2012 concerning the Section 404 permit application for the project (which was submitted prior to the Draft EIS). Given the importance of the aquatic resources at stake, the complexity of the project, and the potential impacts, EPA's comments to the Corps indicated that we are concerned that the Bell Bend project, as proposed, may result in substantial and unacceptable impacts to aquatic resources of national importance as covered in Part IV, paragraph 3(a), of the 1992 CWA Section 404(q) Memorandum of Agreement (MOA) between EPA and the Department of the Army. EPA appreciates the applicant's efforts to work with the regulatory agencies and to avoid and minimize impacts on site, however, the EIS does not provide sufficient information to address the concerns raised in our comments to the Corps. EPA is committed to continuing to work with NRC and the applicant to assure that the proposed impacts resulting from this project are the least environmentally damaging practicable alternative, consistent with the CWA Section 404(b)(1) Guidelines and that significant degradation to Walker Run and the North Branch of the Susquehanna River is prevented.

Any needed supplemental NEPA analysis should include sufficient information to fully assess the probable impacts of the project on the environment and the community.

4. EPA appreciates NRC's response to climate change comments on the Draft EIS; NRC focused on the potential effects of climate change on water-use and water-quality impacts (as detailed in Section 7.2). The NRC response did not discuss the broader resiliency



issues associated with the plant design and operations including climate change resiliency measures that could be incorporated into the design to address extreme weather as well as other related changes. The NRC should provide additional environmental documentation during the NEPA process to address the broader resiliency issues associated with potential climate change.

5. EPA continues to have concerns with the EIS Environmental Justice analysis. Our concerns focus on the methodology to determine if EJ communities of concern are present in the study area. It is important to identify these communities to determine if outreach approaches are appropriate, determine if there are aspects of community life that may be impacted by a particular activity associated with construction or operation of the proposed project, etc.


In identifying minority or low-income populations, agencies may consider a community either a group of individuals living in geographic proximity to one another or a set of individuals (such as migrant workers or Native Americans) where either type of group experiences common conditions of environmental exposure or effect. EPA recommends the following guidance to identify potential EJ populations (minority or low income); the approach to determine the appropriate benchmarks include:

- Apply the 50% test (all areas that are more than 50% are areas of EJ concern. Benchmark value should be compared to the state or county average).
- If the percent minority population is greater than the state or county average, then this would equal the Area of Potential EJ concern; OR
- Set a benchmark that exceeds the state or county average by a given percentage (e.g., taking 110% of the state or county average).

It is not appropriate to add a set percent to a population number as this may conceal populations, particularly smaller populations. When benchmarking smaller populations it is recommended to select a percent of the total EJ population (such as 110%); adding a set number may result in benchmarks many times higher than the actual population.

EPA appreciates the opportunity to provide comments on this project. If you have any questions, please contact Mr. Kevin Magerr at (215)-814-5724.

Sincerely,


for Jeffrey D. Lapp, Associate Director
Office of Environmental Programs

